



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-34

October 2, 2003

George Harpell Jr.
626 Main Street
Acton, MA 01720

RE: DES Wetlands File #1999-1089, 22 Governor Wentworth Highway, Tuftonboro

Dear Mr. Harpell

On July 2, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tuftonboro Tax Map 63 as Lot 12, Block 1 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with Wetlands and Non-Site Specific Permit #1999-1089 (the "Permit"), which authorized the replacement of an existing 6 ft. x 33 ft. piling pier with a 6 ft. x 30 ft. piling pier, 4 pilings, and a boatlift on the Property.

The inspection revealed that work on the Property was not conducted in accordance with the Permit. During the inspection the following deficiencies were documented:

1. The 4 pilings and boatlift had been installed but the 33 ft. pier was not removed and a 6 ft. 5 in. wide by 5 ft. 5 in. long extension had been added on to the lakeward end of the pier. A subsequent review of DES records indicates that no permits have been issued for an extension to the existing pier.

In response, you are requested to take one of the following actions:

- Within 30 days either remove the 6 ft. 5 in. wide by 5 ft. 5 in. long pier extension and submit photographs to DES documenting removal; or,
2. Within 30 days submit a standard application to DES to retain after the fact a 6 ft. wide by 5 ft. 5 in. long extension to the pier.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative


orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Compliance Officer
Wetlands Bureau
Department of Environmental Services
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5024

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
Lakeshore Construction